

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

CONNIE D. VANZANT,)
Plaintiff)
v.) No. 4:05-cv-90
JO ANNE B. BARNHART,)
Commissioner of)
Social Security,)
Defendant)

MEMORANDUM AND ORDER

This action was referred to a United States Magistrate Judge of this district pursuant to 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure, for a report and recommendation regarding disposition of plaintiff's motion for judgment on the pleadings [Court File #9] and defendant's motion for summary judgment [Court File #11]. In a report and recommendation dated July 12, 2006, the United States Magistrate Judge recommended that the plaintiff's motion be denied and the defendant's motion be granted. Plaintiff has filed a timely objection to the report and recommendation.

Upon a *de novo* review of the record in this case, the Magistrate Judge's report and recommendation, and the plaintiff's objections thereto, I am in agreement with the United States Magistrate Judge. Specifically, there is substantial evidence in the record to support the conclusion of the administrative law judge that the plaintiff's limitations would not prevent her from performing her past relevant work as a secretary. Moreover, the Magistrate Judge adequately considered the evidence in the record regarding plaintiff's allegations of chronic pain and did not mischaracterize her activities of daily living.

Accordingly, the report and recommendation [Court File #13] is hereby ACCEPTED IN WHOLE. Plaintiff's motion for judgment on the pleadings [Court File #10] is DENIED; defendant's motion for summary judgment [Court File #11] is GRANTED; and the final decision of the Commissioner is AFFIRMED.

E N T E R :

s/ James H. Jarvis

UNITED STATES DISTRICT JUDGE